

### REMARKS

This amendment is in response to the Office Action of May 23, 2006 in which claims 1-62 are rejected. With this paper, claims 1-18, 20-40, and 42-60 are amended, none are added and none are canceled.

#### Claim Rejections under 35 USC §102

Claim 1-62 are rejected under 35 USC 102(e) as being anticipated by Kahveci *et al* (U.S. Patent No. 6,938,080, Kahveci hereinafter). Among the rejected claims, claims 1, 22 and 42 are independent claims.

1. The Office cites Kahveci (col. 5, lines 24-34 and col. 6, lines 19-29; and further col. 6, lines 30-39, col. 9, lines 10-26 and col. 10, lines 5-14) for teaching a data structure of claims 1 and 2 and apparatuses of claims 18-21.

The data structure as claimed in claim 1 comprises a plurality of primitives. The primitives are communicated between a client of a user (claimed as a requesting user) and a server in a following method. The client of the requesting user provides a "get presence primitive" to the server to request presence information of another user (claimed as a requested user). The "get presence primitive" has various information elements including a requesting user identifier, a requested user identifier, and a list of presence values requested. In response, the server provides a "presence primitive" to the requesting user's client. The "presence primitive" has various information elements including a requested user identifier and a list of presence values as requested.

Kahveci teaches a Residential Access Node (RAN, analogous to a client, col. 5 line 35) that implements a protocol for establishing communications with an Access Network (server). This protocol includes a mechanism by which each RAN identifies itself to the Access Network and requests service by a mechanism in which each RAN identifies its service capabilities, such as max/min bandwidth requirements, subscriber features supported, network interfaces supported, applications in residence on the RAN, available network routes, subscriber addresses/aliases supported, and a means by which user profile

information is downloaded from the Network Access Provider (col. 6, lines 19-29 and col. 9, lines 10-19).

Applicant respectfully submits that the method of Kahveci is different from the current invention as recited in claim 1.

First, claim 1 recites that a primitive is communicated between a client and a server. The primitive includes various information elements including a requesting user identifier, a requested user identifier, and a list of presence values requested. The "presence values" are illustrated for example in the specification at page 42, lines 6-12 as including, for instance, the following classes:

- Reachability (in network coverage, GPRS attached, etc.)
- Availability (available for IM, in meeting, busy, etc.)
- Personal status (mood, etc.)
- Contact Information (address, phone number, etc.)
- Location (user given location, geographical/network location, etc.)
- Client Capabilities (image capable, audio capable, etc.)
- Unknown (unknown class)

This exemplifies the sort of "presence values" claimed in claim 1.

Although in Kahveci, a RAN identifies itself to the Access Network by providing various information items indicating its capabilities, there is no mention in Kahveci that the information provided by the RAN includes presence values, such as reachability, availability, personal status, contact information and location. Therefore, Kahveci does not teach providing presence information according to claim 1.

Applicant respectfully submits that, according to the Federal Circuit, the meaning of terms in the claims should be interpreted based on how those words have been used in the specification. The Federal Circuit, in *Phillips vs. AWH Corp.*, 415 F.3d 1303, 75 USPQ.2d 1321 (Fed. Cir. 2005), an *en banc* decision, explained that:

[T]he specification is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.

The Court further explained:

That starting point [for understanding a claim term] is based on the well-settled understanding that inventors are typically persons skilled in the field of the invention and that patents are addressed to and intended to be read by others of skill in the pertinent art. ... Importantly, the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification.

In the instant Office Action, the Examiner's interpretation of the term "presence value" is too broad. Claim terms are only to be given "the broadest reasonable interpretation consistent with the specification." See MPEP §2111; *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997); *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). An interpretation is unreasonable if interpretive guidance afforded by the specification is ignored, *In re Morris*, 44 USPQ2d at 1027. Therefore, the term "presence value" should be interpreted in the context of the specification, as required by *Phillips vs. AWH Corp.*

Second, in Kahveci, a RAN identifies itself to the Access Network by providing various information items indicating its capabilities, and the Access Network serves each RAN according to its capabilities. A user of the system of Kahveci is known as a subscriber. The subscriber can request a service from the Access Network (for example, the Access Network provides a movie to the subscriber and bills the subscriber for the movie downloaded). However, in Kahveci, a subscriber, accessing the network through a RAN, cannot request the Access Network to provide presence information of another subscriber who is accessing the same Network from another RAN. In other words, there is no mechanism in Kahveci for a subscriber (a requesting user) of the system of Kahveci to check the presence information (e.g. reachability, availability, personal status, contact information and location) of another subscriber (a requested user) of the same system, whereas according to claim 1, the requested users' presence information is provided to the requesting user by the server.

Third, it should be recognized that the inventors hereof have disclosed realization, in a comprehensive way, of presence management. This has never been done before and is a novel, non-obvious and significant contribution to the art. The presence primitives claimed

in the independent claim 1 are rather fundamental to the overall management of presence, as disclosed, and viewed as a whole, should be recognized as forming a fundamental basis from which the entire management structure can be built, as expressed in the dependent claims, and as taught in the specification.

Claim 2 further recites that the data structure includes a "request presence authorization" primitive provided from the server to the client of the requested user to request authorization to provide presence information of the requested user to the requesting user, and an "authorize presence" primitive provided from the client of the requested user to the server to authorize transfer of the presence information of the requested user to the requesting user. Kahveci, on the other hand, teaches that the Network Access Provider grants or denies access to each individual RAN on a per use basis (col. 6, lines 30-39, as cited by the Examiner). The decision for granting or denying access is made by the Network Access Provider on the basis of whether the RAN is entitled for the service (e.g. whether the subscriber has a subscription of the service). This is different from obtaining authorization from the requested user for transferring presence information from the requested user to the requesting user.

Based on the above, applicant believes that claims 1, 2 and 18-21 are patentable in view of Kahveci. Applicant respectfully requests the rejection be reconsidered and withdrawn.

Claims 3-17 depend from claim 1. Withdrawal of rejection of these dependent claims is also requested.

2. The Office cites Kahveci (col. 6, lines 40-64, col. 5, lines 24-34 & col. 6, lines 19-29; and further col. 6, lines 30-39, col. 9, lines 10-26 and col. 10, lines 5-14) for teaching the method of claim 22, the server of claim 42 and the system of claim 62.

Claim 22 recites a method for use by a server. In short, claim 22 recites that the server receives various messages from users of clients for exchange presence information with other users. The server determines if an access to requested presence information of a requested user has been pre-authorized. If not, the server requests authorization from the

requested user. If the requested user has authorized or pre-authorized, the server provides requested presence information to the requesting user on an on-going basis.

In a similar manner as discussed above regarding claims 1 and 2, the term "presence information" should be interpreted according to the specification, in which it is disclosed that the presence information includes user identities and presence values such as reachability, availability, personal status, contact information and location.

Kahveci merely teaches that a RAN provides a secure access to the Access Network. Through the secure access, the RAN can pass raw data and application specific data securely over the Access Network, and RANs can pass application specific data to other RANs securely over the Access Network (col. 6, lines 39-45). In implementing the secure access, Kahveci teaches that:

Delivery of services to subscribers is the basis for existence of all of the rest of the network capabilities. Billing for these services (either directly or indirectly) is what makes it worthwhile. A RAN implements a protocol that enables the delivery and subsequent billing for services. This protocol includes a means by which packet metering (billing) for raw data flows can be established and reported back to the Network Access Provider RAN platform, a means by which packet metering (billing) for data flows based on other parameters, such as time of day, content, or day of week, can be established and reported back to the Network Access Provider RAN platform, a means by which the above capabilities can be delivered between an Application Service Provider and a RAN subscriber without the intervention of the Network Access Provider, and a means by which the Network Access Provider can offer the above services to an Application Service Provider without the intervention of the subscriber (col. 6, lines 46-63, cited by the Examiner).

In the above paragraph, there is no mention of the Access Network being able to determine if a requested user has authorized his/her presence information (including presence values as defined above) being transmitted to a requesting user, and there is no mention that the Access Network being able to obtain proper authorizations before transmitting the presence information of the requested user to the requesting user.

Based on the above, claim 22 is not anticipated by Kahveci. Applicant respectfully requests the rejection of claim 22 be reconsidered and withdrawn.

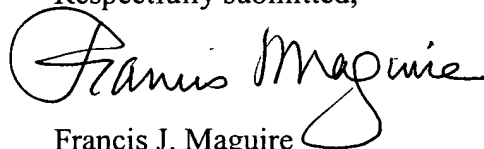
Claim 42 recites a server that comprises means for executing the method of claim 22. Claim 62 recites a system that comprises a client and a server that is able to exchange presence information having a data structure according to claim 1. Since claims 1 and 22 are believed to be patentable, claims 42 and 62 are patentable as well. Applicant respectfully requests the rejection of claims 42 and 62 be reconsidered and withdrawn.

Further, applicant respectfully requests the rejections of claims 23-41 and 43-61 be reconsidered and withdrawn due to the dependency of these claims from one or more of the above patentable independent claims.

### **Conclusion**

For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance, and their passage to issue is earnestly solicited. Applicant urges the Examiner to call the undersigned attorney to discuss the present response if there are any questions.

Respectfully submitted,

A handwritten signature in black ink that reads "Francis Maguire". The signature is written in a cursive style with a large, looping "F" and "M".

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